In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 9874 of 2004

Date of Decision: 30.01.2007

Ujagar Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. G.S. Mann, Advocate
for the petitioner.

Mr. B.S. Chahal, AAG, Punjab
for the respondents.

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J.S. Khehar, J. (Oral).

The solitary issue to be adjudicated upon in the instant writ petition is, whether the petitioner is entitled to continue in service in terms of the policy instructions dated 26.11.2002 (Annexure P-2), till the age of 60 years. Learned counsel for the petitioner, in this behalf, has placed reliance on paragraph 3 of the policy instructions dated 26.11.2002. Paragraph 3 of the aforesaid policy instructions, is being extracted hereunder:-

> "This matter had been under consideration of the Government. After careful consideration it has been decided that all those categories of employees who were in Class-IV earlier but after the re-classification on the basis of advice of the 4th Punjab Pay Commission, now fall in Group 'C' by virtue of higher pay scales, may be allowed to retire at the age of 60 years. This relaxation in the retirement age would be available to only

those Class-IV employees who now fall in Group 'C' and who were recruited in Class-IV prior to the date on which the recommendations of the 4th Punjab Pay Commission were implemented i.e. on 8.9.2000."

We have perused the part of the policy instructions, relied upon by the learned counsel for the petitioner. In our view, the benefit of continuation in service upto the age of 60 years to Group 'C' employees (re-classified as Group 'C' service on account of the pay scale), would be available only to such of the employees who were originally inducted into Class-IV service, prior to 8.9.2000, and came to be promoted in Group 'C' service after 8.9.2000.

The factual position acknowledged by the learned counsel for the petitioner is, that the petitioner was inducted into Class-IV service on 28.1.1970, and was promoted to Group 'C' service w.e.f. 1.1.1978. In view of the above, it is apparent, that the petitioner came to be promoted to Group 'C' service, prior to 8.9.2000. The instructions relied upon by the learned counsel for the petitioner could have been invoked by the petitioner to claim continuation in service upto the age of 60 years, if he had been promoted to Group 'C' service after 8.9.2000. Since the petitioner was promoted to Group 'C' service, prior to the aforesaid date, we are of the view, that the petitioner cannot claim continuation in service upto the age of 60 years.

Dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

30.01.2007
sk.